

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 19 JUNE 2008

MINUTES

TABLE OF CONTENTS

1. **OPENING - ANNOUNCEMENT OF VISITORS**
2. **ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**
3. **PUBLIC QUESTION TIME**
4. **APPLICATIONS FOR LEAVE OF ABSENCE**
5. **MINUTES**
 - 5.1 Confirmation of 15 May 2008 Meeting of Council (as circulated)
6. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**
7. **DISCLOSURES IF INTEREST**
8. **REPORTS**
 - 8.1 **FINANCE AND ADMINISTRATION** (Beige)
 - 8.2 **WORKS** (Grey)
 - 8.3 **HEALTH AND BUILDING** (Green)
 - 8.4 **TOWN PLANNING** (Yellow)
9. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
10. **OTHER URGENT BUSINESS**
11. **CLOSURE OF MEETING**

ORDINARY COUCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE
CUBALLING SHIRE, HELD IN THE COUNCIL CHAMBERS, CAMPBELL
STREET, CUBALLING ON THURSDAY 19 JUNE 2008**

1. OPENING - ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:05pm

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr T H Wittwer	Deputy President, Cr J D Brown
Cr T P Haslam	Cr C Hawksley
Cr JRA Meharry	Cr RD Newman
Chief Executive Officer, Mr P T Naylor,	

Ms Darralyn Ebsory (3.07pm to 3.25pm)
Mr Tyron Miley (3:07pm to 3:25pm)
Mr Alex Richardson (3:35pm to 4:05pm)
Mr Bruce Brennan (3:35pm to 4:05pm)

APOLOGIES

Nil

LEAVE OF ABSENCE

Cr D S Bradford (Granted at the May 15, 2008, Ordinary Meeting of Council)

3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 15 MAY 2008 ORDINARY MEETING OF COUNCIL**

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 15 May 2008 be confirmed.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Meharry that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

6. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**

3:07pm Ms Darralyn Ebsary and Mr Tyron Miley from the Hotham Catchment Management Group entered the meeting.

Ms Ebsary, who has resigned from the position of Natural Resource Management Officer for the Catchment Group, introduced Mr Miley who has been appointed as her replacement.

Ms Ebsary and Mr Miley addressed Council on the activities of the Catchment Group and various projects being undertaken, and financial issues that the group faces in respect to Federal Government funding arrangements.

3.25pm Ms Ebsary and Mr Miley departed the meeting.

7. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

7.1 **DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST**

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

Item 8.1.5: Mr Peter Naylor, Chief Executive Officer, declared a Financial Interest

Item 8.1.6: Councillors Brown, Hawksley, Meharry and Newman declared a Proximity Interest

Item 8.4.1: Councillor Roger Newman declared a Proximity Interest

7.2 **DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – JUNE 2008

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Belinda Draper, Administration Officer (Finance)
Enabling Legislation: Local Government (Financial Management) Regulations 1996
Council Policy: Register Delegated Authority
Budget Implications: Nil
File Reference: CMR 7
Voting Requirements: Simple Majority

Background

Council is supplied with a list of payments for consideration.

Comment

A copy of the list of payments made from each of Councils bank accounts is attached to this item.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

- Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$211,477.50:

Voucher 12372-12424	\$156,283.04
Electronic fund transfers	\$ 54,996.48
Credit Card	\$ 197.98
- Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$1,071.55:

Voucher T2034-T2036	\$ 1,071.55
---------------------	-------------

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

Ordinary Council Meeting Minutes 19 June 2008

Type	Num	Date	Name	Memo	Muni	Trust
Bill Pmt -Cheque	12313	04/17/2008	AUSTRALIA POST	Postage Stamps	100.00	
Bill Pmt -Cheque	12314	04/17/2008	Australian Taxation Office	BAS March 2008	5,212.00	
Bill Pmt -Cheque	12315	04/17/2008	COURIER AUSTRALIA	Freight	20.67	
Bill Pmt -Cheque	12316	04/17/2008	CUBALLING TAVERN	March Council Meeting	132.00	
Bill Pmt -Cheque	12317	04/17/2008	CUBY ROADHOUSE	Misc Supplies March 2008	725.30	
Bill Pmt -Cheque	12318	04/17/2008	Great Southern Ranger Services	Ranger Services March 2008	258.50	
Bill Pmt -Cheque	12319	04/17/2008	KALAMAZOO (AUST) PTY LTD	Stationery Supplies	289.40	
Bill Pmt -Cheque	12320	04/17/2008	PETTY CASH	Petty Cash Recoup March 2008	273.75	
Bill Pmt -Cheque	12321	04/17/2008	REINFORCED CONCRETE PIPES PTY LTD	Depot Maintenance	1,225.44	
Bill Pmt -Cheque	12322	04/17/2008	SIGNS PLUS	Councillor Badges	41.00	
Bill Pmt -Cheque	12323	04/17/2008	TELSTRA	Telephone Account	713.26	
Bill Pmt -Cheque	12324	04/17/2008	WALGA	Advertising & Internet Gateway Service	949.08	
Bill Pmt -Cheque	12325	04/22/2008	WALGSP	Super Contributions March 2008	7,761.42	
Bill Pmt -Cheque	12326	05/05/2008	Ambassador Hotel Perth	Accommodation - Peta Clark	620.00	
Bill Pmt -Cheque	12327	05/05/2008	ARRB GROUP	Unsealed Road Manual	180.50	
Bill Pmt -Cheque	12328	05/05/2008	BILL EXPRESS	Transaction Fees March 2008	1.49	
Bill Pmt -Cheque	12329	05/05/2008	BUTLER SETTINERI	Interim Audit 2007/08	1,980.00	
Bill Pmt -Cheque	12330	05/05/2008	CANNON HYGIENE AUSTRALIA PTY LTD	Sanitary Monthly Service	224.80	
Bill Pmt -Cheque	12331	05/05/2008	COMMANDER AUSTRALIA LTD	Commander Rental Connect April 2008	136.24	
Bill Pmt -Cheque	12332	05/05/2008	COUNTRY PAINT SUPPLIES	Banners in the Terrace	226.92	
Bill Pmt -Cheque	12333	05/05/2008	Directions	Wages - P. Clark	1,449.62	

SHIRE PRESIDENT _____

17 July 2008

Ordinary Council Meeting Minutes 19 June 2008

Bill Pmt -Cheque	12334	05/05/2008	EDWARDS MOTORS PTY LTD	CEO Car Changeover	8,225.00
Bill Pmt -Cheque	12335	05/05/2008	FEDERAL STREET CLINIC	Pre-Employment Medical - B.Hare	88.00
Bill Pmt -Cheque	12336	05/05/2008	Great Southern Waste Disposal	Refuse Site Maintenance April 2008	2,291.66
Bill Pmt -Cheque	12337	05/05/2008	Great Southern Ranger Services	Ranger Services Callout 17 April 2008	110.00
Bill Pmt -Cheque	12338	05/05/2008	LANDGATE	UV Revaluations 2008/09	4,457.25
Bill Pmt -Cheque	12339	05/05/2008	NARROGIN CARPET CLEANERS	Carpet Cleaning CEO Residence	138.00
Bill Pmt -Cheque	12340	05/05/2008	Narrogin Floral Studio	Wreath for Anzac Day	65.00
Bill Pmt -Cheque	12341	05/05/2008	NetRegistry Pty Ltd	Domain Name Renewal	62.00
Bill Pmt -Cheque	12342	05/05/2008	REINFORCED CONCRETE PIPES PTY LTD	Pipes for Depot	482.51
Bill Pmt -Cheque	12343	05/05/2008	SHARED SERVICES CENTRE	Advertising	34.65
Bill Pmt -Cheque	12344	05/05/2008	SHIRE OF WICKEPIN	Bus Hire - April Council Meeting	124.80
Bill Pmt -Cheque	12345	05/05/2008	STAR TRACK EXPRESS	Freight on Signs	59.32
Bill Pmt -Cheque	12346	05/05/2008	Synergy	Electricity Account	1,793.30
Bill Pmt -Cheque	12347	05/05/2008	TELSTRA	Mobile Accounts - March 2008	133.53
Bill Pmt -Cheque	12348	05/05/2008	WA State Emergency Volunteer Association	Advertising	520.00
Bill Pmt -Cheque	12349	05/05/2008	WALGA	2008 Local Government Directories	121.02
Bill Pmt -Cheque	12350	05/09/2008	Avon Waste	Waste Management April 2008	462.00
Bill Pmt -Cheque	12351	05/09/2008	BEAUREPAIRES	Parts & Repairs	329.00
Bill Pmt -Cheque	12352	05/09/2008	BIRD'S SILOS & SHELTERS	GAAM Diaphragm	104.72
Bill Pmt -Cheque	12353	05/09/2008	BT EQUIPMENT	Parts & Repairs	181.45
Bill Pmt -Cheque	12354	05/09/2008	CASH.	Purchase Council Shopping	500.00
Bill Pmt -Cheque	12355	05/09/2008	CORPORATE EXPRESS	Stationery Supplies	254.63

SHIRE PRESIDENT _____

17 July 2008

Ordinary Council Meeting Minutes 19 June 2008

Bill Pmt -Cheque	12356	05/09/2008	DEWS MINI EXCAVATIONS	Excavating	1,188.00	
Bill Pmt -Cheque	12357	05/09/2008	Echelon Australia Pty Ltd	Training Course	97.35	
Bill Pmt -Cheque	12358	05/09/2008	Fuji Xerox	Photocopier Charges & Paper	156.08	
Bill Pmt -Cheque	12359	05/09/2008	GREAT SOUTHERN FUEL SUPPLIES	Fuel, Oils & Grease Supplies	22,119.15	
Bill Pmt -Cheque	12360	05/09/2008	HANCOCKS HOME HARDWARE	Cut Key	4.00	
Bill Pmt -Cheque	12361	05/09/2008	MAKIT NARROGIN HARDWARE	Hardware Supplies	101.80	
Bill Pmt -Cheque	12362	05/09/2008	NARROGIN PACKAGING	Toilet Paper & Towels	288.41	
Bill Pmt -Cheque	12363	05/09/2008	NEAT 'N' TRIM UNIFORMS PTY LTD	Uniform - P. Clark	403.02	
Bill Pmt -Cheque	12364	05/09/2008	PARRYS	Protective Clothing	380.40	
Bill Pmt -Cheque	12365	05/09/2008	RNR CONTRACTING PTY LTD	Supply & Spray Bitumen	11,469.15	
Bill Pmt -Cheque	12366	05/09/2008	VINIDEX PTY LTD	Depot Maintenance	1,153.28	
Bill Pmt -Cheque	12367	05/09/2008	Wattle Grove Motel	Accommodation - Alex Richardson	240.00	
Bill Pmt -Cheque	12368	05/09/2008	Australian Taxation Office	BAS April 2008	6,565.00	
Bill Pmt -Cheque	12369	05/09/2008	Cuby Roadhouse	Misc Supplies April 2008	462.10	
Bill Pmt -Cheque	12370	05/09/2008	McDougall Weldments	Workshop	340.85	
Bill Pmt -Cheque	12371	05/09/2008	Vi Barham Award for Excellence	Donation 2008	125.00	
Cheque	T2034	05/02/2008	Bill & Bens Hot Bread Shop	Social Club BBQ		15.00
Cheque	T2035	05/02/2008	Narrogin Country Fresh Meats	Social Club BBQ		31.34
Cheque	T2036	05/05/2008	Building & Construction Industry Training Fund	BCITF Payment April 2008		141.40
EFT	260308	03/26/2008	WA Treasury Corporation	Loan Repayment	7,665.97	
EFT	100408	04/10/2008	Neil Flood	Travel Reimbursement - March 2008	290.29	

SHIRE PRESIDENT _____

17 July 2008

8

Ordinary Council Meeting Minutes 19 June 2008

EFT	100408.2	04/10/2008	FESA	ESL Payment April 2008	193.94
EFT	110408	04/11/2008	Drivetrain Australia Pty Ltd	Loader Repairs	22,306.33
EFT	150408	04/15/2008	Shire of Cuballing	Wages 02.04.08 To 15.04.2006	16,149.81
EFT	180408	04/18/2008	Watch 24 Pty Ltd	monthly fee	43.29
EFT	210408	04/21/2008	Directions	Wages P.Clark 22.03.08 to 04.04.08	1,304.67
EFT	220408	04/22/2008	SHIRE OF CUBALLING.	Social Club March 2008	110.00
EFT	290408	04/29/2008	SHIRE OF CUBALLING.	WAGES 16.04.2008 TO 29.04.2008	16,068.24
EFT	60508	05/06/2008	Neil Flood	Travel Reimbursement - April 2008	359.65
EFT	60508.2	05/06/2008	Quicken	Quickbooks subscription Renewal	564.99
EFT	60508	05/06/2008	Sarah Silvester	Medical Reimbursement	55.00
EFT	70508	05/07/2008	Directions	Wages P.Clark 19.04.08 to 02.05.08	1,449.63
Credit Card	180408	04/18/2008	Shire of Cuballing	Change of Plate OCN	11.30
Credit Card	180408.1	04/18/2008	Shire of Cuballing	Car Registration/Transfer OCN	284.05
					<u>\$</u>
					155,009.98
					<u>\$</u>
					187.74

8.1.2 STATEMENT OF FINANCIAL ACTIVITY

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Clare Thomson, Accountant
Enabling Legislation: Local Government (Financial Management) Regulations 1996
Council Policy: Nil
Budget Implications: Nil
File Reference: CMR 7
Voting Requirements: Simple majority

Background

Local Government (Financial Management) Regulations 1996, section 34, provides for monthly financial reporting requirements for local government.

Comment

A Statement of Financial Activity has been prepared for period ending 31 May 2008 in accordance with the abovementioned legislation and circulated with the Council meeting agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 31 May 2008, be received.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Haslam that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.1.3 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

Submission to: Ordinary Meeting of Council
Location/Address: Nil
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Council Policy: Nil
Budget Implications: Nil
File Reference: Councils & Associations 8
Voting Requirements: Simple Majority

Background

Local Government has been lobbying the Federal Government for many years to be recognized in the Australian Constitution. The Rudd Government has promised a referendum on Constitutional recognition for Local Government.

Ordinary Council Meeting Minutes 19 June 2008

WALGA now seeks advice from individual Local Governments on what they want to achieve from Constitutional recognition.

The questions that are being asked relate to what form Constitutional recognition should take.

- Should recognition be simply symbolic?
- Should it impose certain funding obligations on the Commonwealth?
- Should it protect Local Government from forced structural change?
- Do Councils have other expectations from Constitutional Recognition?

The Australian Local Government Association (ALGA) has developed some resource materials to aid the debate; these can be sourced from the ALGA web site <http://www.alga.asn.au/constitutionalrecognition/>.

The following process is proposed:

Step 1: Constitutional Recognition resource materials distributed to Local Governments.

Step 2: Local Governments to conduct a “Council Conversation” and develop local position.

Step 3: Optional Step – Local Governments share outcomes from their Council conversations at July zone meetings.

Step 4: Local Government Week Convention to consider the question of Constitutional Recognition. WALGA to appoint 10 representatives to attend a National State Expert Forum.

Step 5: ALGA will convene a National State and Expert Forum. This will reconcile State Association input and specific options to be put to a broadly based national Constitutional Forum. Expert technical advice will assist in the drafting of specific wording of resolutions to meet desired objectives and develop technical argument on various options (Proposed for August/September).

Step 6: ALGA will prepare business papers for a national Constitutional forum based on input from the National State and Expert Forum (October).

Step 7: Conduct of the National Constitutional Forum. This would be in the style of the National Roads Congress designed to establish an agreed Local Government position and to settle the question to be put at a referendum on Constitutional Recognition of Local Government (Scheduled for December 2008).

Step 8: ALGA to develop “camera ready” legislation for the referendum and present to government.

Comment

It is recommended that Council discuss what benefit is to be gained by being recognized in the Australian Constitution.

In 2006 the Commonwealth Parliament adopted the following resolution in recognition of Local Government:

“That the House/Senate:

- 1 *recognises that local government is part of the governance of Australia, serving communities through locally elected Councils.*
- 2 *values the rich diversity of Councils around Australia, reflecting the varied communities they serve.*
- 3 *acknowledges the role of local government in governance, advocacy, the provision of infrastructure, service delivery, planning, community development and regulation.*
- 4 *acknowledges the importance of cooperating with and consulting with local government on the priorities of their local communities.*
- 5 *acknowledges the significant Australian Government funding that is provided to local government to spend on locally determined priorities, such as roads and other local government services.*
- 6 *commends local government elected officials who give their time to serve their communities.*

Source ALGA Website Fact Sheet 2”

The following extracts from the ALGA website are the policy statements of the groups listed in relation to Constitutional Recognition of Local Government.

ALGA’s Policy -Formally Recognising Local Government in the Constitution
ALGA has long called on all political parties to commit to the continued recognition of local government’s role in the Australian Federation. Local government fulfils a significant and increasingly important role within the Australian Federation. Despite this, Australia is yet to follow the lead of many other nations and recognise the roles and functions of local government in our national constitution. The failure to recognise local government remains one of the significant omissions of the Australian Constitution.

New Government – Reform and Recognition

Federal Labor believes that local government should be formally recognised in the Australian Constitution.

The Australian Labor Party went into the Election with a commitment to consult, during its first term, with local government on the process for achieving constitutional recognition.

National Party

The Nationals have no current position on constitutional recognition of local government. However on 28 January 2008 the Hon Warren Truss, Leader of the National Party, told The Australian that the Coalition was "generally supportive" of the concept of recognising local government in the Australian Constitution.

Ordinary Council Meeting Minutes 19 June 2008

"I have 14 years in local government so I have an understanding where local government is coming from, and it does seem reasonable to me that such an important element of our democratic process at the local government level should be acknowledged in our national constitution".

Liberal Party

The Australian Liberal Party has no current position on constitutional recognition. In 2006, the Liberal Party honoured a 2004 election commitment to pass a parliamentary resolution recognising the role of local government.

The Australian Greens

The Australian Greens have not taken a formal position on Constitutional Recognition of local government. However, their Constitutional Reform and Democracy Policy states support for a stronger role of local government in our democratic system of government.

Australian Democrats

*The Democrats Action Plan for the 2007 Federal Election supported constitutional recognition of local government. Their platform included:
As government at the state and federal level has become more centralised and bureaucratic it is imperative that there is real community representation at a local level. Local government is not just about the cliché of 'roads, rates and rubbish'. More than any of these, it is about representation and community.
The role of local government must be recognised and strengthened, and it should be an equal partner in decision making at both federal and state levels.*

Source ALGA Website Fact Sheet 5

The ALGA process to achieve recognition is as follows:

Step 1: March -June 2008

LOCAL GOVERNMENT ASSOCIATION CONSULTATION PROCESS

*ALGA encourages state associations to invite Councils to register and conduct a Council conversation.**

Step 2: June – July 2008

*State and Territory Associations appoint 10 representatives to attend the National State and Expert's Forum.**

Step 3: August 2008

ALGA will convene a National State and Expert Forum. Expert technical advice will assist with the compilation of feedback from Council conversations and the drafting of material for consideration at the Local Government Constitutional Summit.

Step 4: September -October 2008

ALGA will prepare business papers for a Local Government Constitutional Summit.

Ordinary Council Meeting Minutes 19 June 2008

Step 5: 9 -11 December 2008

Local Government Constitutional Summit.

Step 6: January 2009

ALGA to present the outcomes from the Local Government Constitutional Summit to the Federal Government.

Step 7: Throughout 2009

Work with Federal Government to draft legislation as well as to design and develop a comprehensive community engagement strategy.

Step 8: 2010

Possible time for referendum.

Source ALGA Website Fact Sheet 8

Local Government across Australia has long called for recognition in the Australian Constitution, it is not clear what each Local Government thinks the benefit of recognition will be, two possibilities are; that recognition will grant Local Government a place as the third tier of Government, depending on the wording, secure local governments position as being masters of their own destiny rather than being creatures of state government.

Secondly, subject to wording and the will of the Commonwealth and State Governments, secure a fixed percentage of the taxes collected by the Commonwealth.

The debate will have to be progressed with the State Governments. Will the States want to relinquish their control of Local Government; with a guarantee of growth tax Local Government could evolve to make State Government irrelevant, it is doubtful the State Government would support this position.

Recognition as a symbolic gesture has little or no value, what would be very valuable for Local Government is the guarantee of a fixed share of taxation revenue. With an increase of taxation revenue coming to Local Government the long term sustainability of Local Government is more achievable.

If this is the collective aim of all Local Governments across Australia it will be a challenge for the ALGA to have the Commonwealth and States agree to this position prior to a referendum. The proposition will need to be included in the preamble for the people to consider; therefore it will need the Governments support if it is to ever get to be a condition entrenched in the referendum.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

THAT Council advise the WA Local Government Association that:

- 1. Council's objective in having Local Government recognized in the Australian Constitution is more than symbolic, Council wants Local Government to be recognized and guaranteed a realistic fixed percentage of Commonwealth taxation revenue raised through income tax and the Goods and Services tax.**
- 2. In strong support of our objective, the industry requires more concrete commitment from the State and Federal Government as:**
 - i) Government at the state and federal level has become more centralised and bureaucratic it is imperative that there is real community representation at a local level. Local government is not just about the cliché of 'roads, rates and rubbish'. More than any of these, it is about representation and community.*
 - ii) The role of local government must be recognised and strengthened, and it should be an equal partner in decision making at both federal and state levels.*
- 3. Council urge formal adoption of the current proposed timeline for the question to go to referendum.**

COUNCIL ACTION

Moved Cr Brown, seconded Cr Hawksley that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.2.4 TENDER 2-07/08 FRONT END LOADER

3:35pm Mr Alex Richardson and Mr Bruce Brennan entered the Council Meeting

Submission to:	Ordinary Meeting of Council
Location/Address:	Nil
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Budget Provision 2008/2009
File Reference:	Tenders & Contracts 12
Voting Requirements:	Simple Majority

Background

In accordance with Council instruction tender was advertised in the West Australian newspaper on Saturday 10 May 2008 for a new Front End Loader Machine. The tender provided the following options:

- Supply of new/replacement machine with trade of existing (Venieri) machine;
- Supply of new/replacement machine without trade; or
- Outright purchase of trade machine.

Tenders closed at 4.00pm on Monday 9 June 2008.

Whilst there is no provision on the 2007/2008 budget for purchase or replacement of front end loader, Council is aware of recent problems with the existing loader and seeking costs to include on the 2008/2009 budget.

Comment

Council received eleven (11) submissions from six (6) separate companies, refer to attached spreadsheet/s. Seven (7) of the tenders included trade of existing machine, however also included options for non trade purchase of new machine. No submissions were received for outright purchase of trade machine.

Price information is also on attached spreadsheet/s.

The Works Manager, Leading Hand and Chief Executive Officer worked through the various tenders and offer the following comments:

Council Specifications

All submissions met with the specifications as set out in the tender documents. In some instances options are provided to bring the machine up to specification but costs are not significant.

Traction Control

The emphasis on having extra traction control in the form of a limited slip differential or differential lock especially at the front axle increases the loaders ability to work in wet, boggy and slippery conditions.

Operator Comfort and Visibility

Ergonomic operating controls and the ability to comfortably and practically operate the machine is a very important consideration as operators can spend long periods of time operating and movements can be repetitive. Features such as controls with forward/reverse buttons on the hydraulic console for the right hand and on the steering column for the left help to avoid static muscle loads thus contributing to operator comfort.

Unimpaired visibility front, rear and to both sides is also extremely important for operators.

Bucket Size

Bucket size or capacity is relevant as more product/material that can be moved in one movement the greater efficiency over the job and working life of the loader.

Service

The serviceability of the machine is crucial. Factors to be considered are exterior drain plugs, access to the engine bay and filters, fluid gauges and fill points. The ease of such access will assist daily checks being carried out by the operator and increase the likelihood that the checks will be performed and also reduce downtime for checks and servicing.

Warranty

Warranty components included in the submissions are summarised on the attached spreadsheet/s. Warranty on full machine and major powertrain components is extremely important. Most companies offered different warranties in these two areas. Case, McIntosh & Son, only has basic 12 month Unlimited hours warranty in both capacities, however can offer up to 4 years 6,000 hours at a cost.

Computerised Weighing Device

The Computerised Weighing Device listed in the tender specifications and included as an option on the submissions received is an essential operating system to be included on the new loader. Councils existing loader has such a device fitted and it enables the operator to accurately measure each bucket load in terms of mass. Works staff can effectively and efficiently load trucks so they will not be over or under weight as well as accurately record the amount of product carted. A 'non trade' device is adequate.

Machine Power

The greater the net power the more beneficial the machine will be in operation in terms of versatility, efficiency and effectiveness on jobs.

Ordinary Council Meeting Minutes 19 June 2008

When purchasing the current machine about three (3) years ago Council recognised the need to have a larger and more powerful machine. Unfortunately due to maintenance problems the Venieri hasn't performed to total satisfaction, however when it was operating at capacity the benefit of the larger machine has been positive to Councils operations.

Load Carry Rake

A Load Carry Rake was listed in the tender specifications and has been included as an option on the submissions received is also envisaged as an essential tool to be included on the new loader. This tool will enable trees & limbs to be picked up and carried from road surfaces instead of being pushed along as is the current practice. This method of removing such obstacles is far more effective and less likely to cause damage to road surface.

Three of the submissions received are for machines that are larger than what Council has previously considered necessary for its operations, however given the likelihood of Councils work force undertaking contract works with the Wandering Shire and possibly receiving additional works through the Main Roads Integrated Service Delivery program, it is worth considering a larger and more expensive machine to meet future needs.

Therefore it is recommended that Council give consideration to inspecting the following machines:

Company	Make	Model	Eng Capacity	Eng Type
Westrac	Caterpillar	930G	119 kW	Cat 3056E DIT
CLD Equipment	Volvo	L70F	126kW	Volvo D6ELBE3
McIntosh & Sons	Case	721E	137kW	Case 667TA/EED

Delegated Authority could be granted to Councils Plant/Machinery Committee (Crs Hawksley, Newman & Wittwer), in conjunction with the Chief Executive Officer, Works Manager and Leading Hand, to inspect the machines and make report to July 2008 Ordinary Meeting of Council on preferred machine for final Council decision.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Delegated Authority be granted to Councils Plant/Machinery Committee (Crs Hawksley, Newman & Wittwer), in conjunction with the Chief Executive Officer, Works Manager and Leading Hand, to inspect preferred Front End Loaders and make report to July 2008 Ordinary Meeting of Council on preferred machine for final Council decision.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Meharry that:

- **Delegated Authority be granted to Councils Plant/Machinery Committee (Crs Hawksley, Newman & Wittwer) and Cr Haslam, in conjunction with the Chief Executive Officer, Works Manager, Leading Hand and Front End Loader Operator (Anthony Mort), to inspect preferred Front End Loaders; and**

- **The Plant Machinery Committee and Cr Haslam be delegated to make final decision on behalf of Council for purchase of Front End Loader machine.**

CARRIED 6/0

4:10pm Mr Alex Richardson and Mr Bruce Brennan departed the Council Meeting

8.1.4 SHIRE OF CUBALLING EQUAL OPPORTUNITY MANAGEMENT PLAN

Submission to:	Ordinary Meeting of Council
Location/Address:	Nil
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Equal Opportunity Act 1984
Council Policy:	Shire of Cuballing Equal Opportunity Management Plan
Budget Implications:	Nil
File Reference:	Staff 11
Voting Requirements:	Simple Majority

Background

In June 2003, Council, in accordance with the provisions of the Equal Opportunity Act 1984, adopted an Equal Opportunity Management Plan for the Shire of Cuballing.

Comment

Section 1, clause 5, of the Plan provides for the Plan to be reviewed annually on or before 30 June in each year.

The Chief Executive Officer and Administration Staff have reviewed the Plan for its current relevancy and there are no proposed changes other than bringing some of the staff number and salary scales up to date.

A copy of the updated Plan has been circulated to Councillors with the Council Meeting Agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Equal Opportunity Plan, as reviewed by the Chief Executive Officer and Administration Staff and circulated to Councillors, be adopted for the Shire of Cuballing without modification.

COUNCIL ACTION

Moved Cr Brown , seconded Cr Meharry that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.1.5 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL

Mr Peter Naylor, Chief Executive Officer, declared a financial interest in this item and departed Council meeting at 4:07pm

Submission to: Ordinary Meeting of Council
Location/Address: Nil
Reporting Officer: Cr Thomas Wittwer, Shire President
Enabling Legislation: Local Government Act 1995
Council Policy: Chief Executive Officer Contract of Employment
Budget Implications: Nil
File Reference: Staff 8 & Staff 15
Voting Requirements: Simple Majority

Background

At the May 15, 2008, Ordinary Meeting of Council, Council conducted the Annual Performance Appraisal for the Chief Executive Officer.

Comment

Following the performance appraisal process Council was unanimous in its appreciation for the Chief Executive Officers continued good service to Council and the community over the past twelve months. Council noted that the "Desired Projects" as itemised at the previous performance appraisal were either completed or in progress to the satisfaction of Council.

It was resolved that the Chief Executive Officers salary be increased by 7.5% effective from 1 July 2008. New annual salary being \$104,895, other conditions of employment to remain the as is in accordance with the contract of employment.

SHIRE PRESIDENTS RECOMMENDATION

That:

- **Effective from 1 July 2008, the Chief Executive Officers annual salary be increased by 7.5% to \$104,895; and**
- **Other conditions of employment to remain as is in accordance with the Chief Executive Officers Contract of Employment.**

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the Shire Presidents Recommendation be adopted.

CARRIED 6/0

Mr Peter Naylor re-joined the Council meeting at 4:10pm

8.1.6 SHIRE OF CUBALLING BUDGET 2008/2009 FINANCIAL YEAR

Councillors Brown, Hawksley, Meharry and Newman declared a Proximity Interest in this item as proposed road works on the draft budget is adjacent to property that they own or occupy in a professional capacity.

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Council Policy: 3.11
Budget Implications: Nil
File Reference: Finance 9
Voting Requirements: Simple majority

Background

A Draft Budget, and associated supporting information/documentation, for the 2008/2009 Financial Year, has been provided to Councillors prior to the Council Meeting.

Comment

As in previous years it is not proposed to adopt the draft budget at this Council meeting, however it provides Council with the opportunity to peruse and give consideration to various items that have been included and to determine what changes can be made if considered necessary.

The Draft is currently showing a deficit of about \$678,000, however there are a couple areas within the draft document where this can be easily obtained as will become evident as Council works through the document.

The draft budget does not include: an end of year surplus for 2007/2008; a rate increase; increase in Local Government Grants Commission funding; income from private works has possibly been largely understated; and no funds transfer from the Roadworks Reserve Account.

All items on the *Shire of Cuballing Plan for the Future* have been included, and provision has been made for a contribution to the Town of Narrogin for annual maintenance costs for the Narrogin Leisure Centre, and/or other Narrogin facilities and amenities. The Town of Narrogin has written to Council offering provision of Ranger and Building Surveyor services however this has not been included in the draft budget as Council has these services adequately catered for at the present time. Tenders have been called for a new Front End Loader and this information will be tabled for Council information. It is proposed that Council pay for the new loader utilising loan funds through the WA Treasury Corporation. The loan amount and repayment schedule has been factored into the draft budget.

Ordinary Council Meeting Minutes 19 June 2008

Included with the draft budget document are spreadsheets providing details of the various items included on the budget for Council consideration, and a detailed breakdown of works and services for 2008/2009. These documents will help to provide Councillors with a summarised overview of all the works and services not specifically relating to recurrent expenditure. Other supporting documentation is also available for Council perusal if considered necessary.

In respect to the rates, whilst no increase has been factored into the draft budget, Council needs to give consideration to a reasonable increase in line with the information provided by the WA Local Government Associations estimate of the Local Government Cost Index for period ending 31 March 2008. Also the WALGA SSS Report identified that Council is currently under rating and this is one of the reasons it was deemed to be unsustainable in the Report.

The draft budget has again this year been provided in a simplified format, to the statutory format, that provides Councillors with a better explanation of the information. Administration Costs, including Salaries and Superannuation, have been included wholly in the Administration (Other Governance) section prior to being allocated to the various areas in accordance with the principles of Activity Based Costing. Payment of Loans Principal has been included in the capital works section, whilst the interest component has been allocated directly to the areas in which the loans were raised. The Works Supervisors Salary has been directly allocated to the Public Works Overheads section.

Council has been successful in obtaining Rates Payment Incentive Prizes from the Sorrento Beach Resort and Esplanade Hotel in Fremantle.

If any Councillor wishes to discuss the draft budget in detail or seek clarification on any particular item, please contact the Chief Executive Officer.

It may be necessary for some Councillors to declare a proximity interest due to owning or occupying land adjacent to roadworks included on the draft budget. Once this has been identified the Chief Executive Officer will write to the Department of Local Government and Regional Development seeking an exemption for those Councillors to participate in the draft budget deliberations, however this will not be received until the July 2008 Council meeting. Therefore it is proposed for Council to hold a special budget forum at the conclusion of the Council meeting to enable all Councillors to participate in the deliberations.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That deliberations on the Shire of Cuballing Draft Budget for the 2008/2009 Financial Year, agenda item 8.1.6, be deferred until closure of the Council meeting and considered in a Special Budget Forum.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Haslam that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.1.7 SHIRE OF CUBALLING PLAN FOR THE FUTURE OF THE DISTRICT

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Finance 10
Voting Requirements:	Absolute Majority

Background

In accordance with the provisions of the Local Government Act 1995, S5.56, each Local Government is to prepare a Plan for the Future of the District. Relevant criteria for the Plan is as follows:

- Must be for at least two financial years;
- Set out broad objectives;
- Must be reviewed at least every two years;
- Must be modified by absolute majority once considered/modified;
- Once adopted/modified, must apply to the district for the period of time specified;
- Plan must contain a description of how electors/ratepayers were involved in development/modification; and
- Must apply in respect of each year ended 30 June.

After adoption by an absolute majority vote, local public notice is to be given. The notice is to contain:

- Plan for the Future of the District adopted/modified and to apply to the district for the period specified in the plan; and
- Details where and when the plan/modified plan may be inspected.

Comment

The Draft Shire of Cuballing 'Plan for the Future of the District 2008/2009 to 2011/2012' will be tabled at the Council Meeting.

The draft plan is for four (4) year period looking forward. The document will form the basis for the commencement of the Shire Budget process for the 2008/2009 financial year. The budget under S6.2 is to have regard to the plan for the future.

Consultation with the electors/ratepayers of the District on the Draft Plan will comprise of local public notice (advertising in the Narrogin Observer and Cuby News, and posters at the Shire Office, Cuballing Roadhouse Notice Board and Popanyinning General Store), available for inspection at the Shire Office during normal business hours, and on the Shire Website.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council approves the Draft Shire of Cuballing ‘Plan for the Future of the District 2008/2009 to 2011/2012’ to be advertised by local public notice, inspection at the Shire Office (during normal business hours), and on the Shire Website.

COUNCIL ACTION

Moved Cr Haslam, seconded Cr Meharry that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.2 REPORTS – WORKS

8.2.1 WORKS MANAGERS REPORT

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Alex Richardson, Works Manager Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	CMR 10
Voting Requirements:	Simple majority

RESEALING PROGRAM

Unfortunately due to ongoing inclement weather conditions Pioneer Road Surfaces (PRS) have not been able to return to the district to complete the bitumen reseal program for the 2007/2008 financial year. PRS have provided a written guarantee that the works will be completed as early as possible, possibly about October 2008, at the current price structure in accordance with tender let in December 2007.

GRADING/MAINTENANCE

One grader is proceeding with winter grading throughout the Shire as time, weather and resources permit. The second grader is consolidating bitumen edges/shoulders on Stratherne and Wandering-Narrogin Roads.

ROADSIDE SPRAYING

Roadside spraying is continuing along bitumen road verges to enable shoulders to be improved.

PLANT AND EQUIPMENT

All items of plant and equipment are being serviced and maintained as required and most plant is generally in good working order.

Information pertaining to purchase and ongoing problems with the Venieri Front End Loader have been forwarded to McLeods Barristers and Solicitors to gain a legal opinion as to whether Council can pursue reimbursement of costs for recent repairs.

Tender advertised in the West Australian Newspaper on Saturday 10 May 2008 for replacement front end loader closed on Monday 9 June 2008. The information is being collated and will be presented to the Council meeting. The information will provide Council with clear indication of purchase and/or changeover price for 2008/2009 budgetary purposes.

RESTORED VINTAGE MACHINERY DISPLAY

A local Cuballing resident noticed on Sunday 1 June 2008, that the fence to the compound, on western side, had been cut/damaged. The matter was reported to Council staff on Thursday 5 June 2008, and immediately reported to Narrogin Police and fence repaired.

The Chief Executive Officer met on site with the owner of the display machinery on Saturday 7 June to inspect the machinery. Fortunately there does not appear to have been any damage or stealing as a result of the incident.

STAFF

Mr Brian Hare's duties with Council have been increased from part time to full time. This is working out very well with Brian achieving a HR Truck Drivers Licence on Wednesday 11 June 2008.

The Works Manager cleared 4 days annual leave entitlements from Monday 9 June to Thursday 12 June 2008, inclusive.

PRIVATE WORKS

Various works requests are still being received and these are being done as time permits

Private works invoices for the month of May 2008, total \$17,020.14 (YTD at 31 May 2008 \$74,063.39).

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Haslam that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.2.2 BUSH FIRE INCIDENT REPORT/S

Submission to: Ordinary Meeting of Council
Location/Address: Various (as detailed in report)
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Bush Fires Act 1954
Council Policy: 6.1
Budget Implications: Nil
File Reference: Bush Fire Control 10
Voting Requirements: Simple Majority

Background

The following Bush Fire Incident Report/s have been received for recent fires within the Shire of Cuballing.

Comment

A summary of the fire/s is hereunder:

Date	Property Owner	Details
14 April 2008	A & M Grieve	Fire escaped during control stubble burn. Quick response by property owner, neighbouring property owners and Cuballing Town Brigade minimised potential damage to property.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Bush Fire Incident Report be noted and copy forwarded to the Fire and Emergency Services Authority.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Meharry that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.2.3 TOWN OF NARROGIN – AMALGAMATION OF LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Emergency Management Act 2005
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Emergency Plan 1
Voting Requirements:	Simple Majority

Background

The *Emergency Management Act 2005* provides for each local government to establish a Local Emergency Management Committee (LEMC). The legislation also allows for two or more local governments to unite for the purposes of emergency management.

The Shire of Cuballing works with the Shire of Narrogin and Town of Narrogin for the purpose of the LEMC. The LEMC committee is recommending that the Shire of Wickepin be invited to join with the Narrogin/Cuballing LEMC, especially given the situation that there is no longer a manned Police Station located within the Wickepin Shire. Local Police play an integral role within the LEMC structure.

Comment

The proposal for Wickepin to join the Narrogin/Cuballing LEMC, obviously subject to their agreement, certainly has merit from an administrative and resource sharing capacity during an emergency situation.

The joining of forces for emergency management procedures could go further than Wickepin and perhaps consideration could be given to inviting Pingelly and Wandering Shires to also be part of the Narrogin/Cuballing LEMC. Pingelly and Wandering, as a LEMC, have been working together for some time and previously their Police were included within the Northam District, which may have made things difficult, however this has now changed and they come under the Great Southern District.

Should the three Shires of Pingelly, Wandering and Wickepin resolve to be part of a single LEMC structure with the Shires of Cuballing and Narrogin and the Town of Narrogin, consideration could be given to changing its name to the Dryandra Local Emergency Management Committee. The six Councils currently work together as the Dryandra Voluntary Regional Organisation of Councils, and the LEMC could be an extension to this group.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

- **Agrees with the proposal for the Shire of Wickepin, subject to their agreement, joining with the Narrogin/Cuballing Local Emergency Management Committee;**
- **Suggests that the Shires of Pingelly and Wandering, as part of the Dryandra Voluntary Regional Organisation of Councils Group, also be invited to join with the Narrogin/Cuballing/Wickepin Local Emergency Management Committee; and**
- **Suggests that should the three Shires of Pingelly, Wandering and Wickepin all agree to join the Narrogin/Cuballing Local Emergency Management Committee then consideration be given to changing the name of the LEMC to the Dryandra LEMC.**

COUNCIL ACTION

Moved Cr Brown, seconded Cr Haslam that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.3 REPORTS – HEALTH AND BUILDING

8.3.1 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYORS REPORT

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Local Government (Miscellaneous Provisions) Act 1960 Building Regulations 1989 Builders' Registration Act 1939
Council Policy:	Register Delegated Authority Shire of Cuballing Health Local Law 2007 Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	CMR 2
Voting Requirements:	Simple majority

Summary

There were three (3) applications approved and licenses issued for the month of May 2008.

Ordinary Council Meeting Minutes 19 June 2008

Listed below is a summarized breakdown of the application and proposed structures:

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
46-2007/08	R Newman	Owner Builder	S/F Zincalume Machinery Shed	Lot 451 Cuballing East Rd Cuballing
47-2007/08	B Brennan	Owner Builder	S/F Colourbond Stables	Lot 69 Derby Street Cuballing
48-2007/2008	B Dartnell	Owner Builder	S/F Patio	Lot 142 Morrell Street Cuballing

Resolving Building Disputes

The Building Disputes Tribunal has prepared a pamphlet titled 'Resolving Building Disputes – A Guide for Owners and Builders', and provided copies of same for dissemination to prospective owners/builders.

The guide explains what to do before making a complaint to the Tribunal; how to make a complaint; how a complaint is resolved; and what happens at a hearing.

Amendments to provisions in Part XV of the Local Government (Miscellaneous Provisions) Act 1960

The Department of Housing and Works (DHW) have advised that amendments to Part XV of the Local Government (Miscellaneous Provisions) Act 1960, and associated Regulations, will soon be proclaimed and come into effect on 1 July 2008.

The main effect will be that Council will not be able to employ a Building Surveyor after 1 July 2008 unless he/she is fully qualified in accordance with the National Accreditation Framework.

DHW is suggesting that Councils review any appointments or delegations of authority and update them prior to 1 July 2008, as the amendments will not affect appointments and delegations made prior to this date.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Building Surveyors Report be received and information noted; and**
- **The following persons be appointed and delegated as Building Surveyors for the Shire of Cuballing:**
 - 1. Mr Neil Flood**
 - 2. Mr Allan Ramsay**
 - 3. Mr Rodney Woods**
 - 4. Mr Linton Thomas**
 - 5. Mr Frank Buise**

COUNCIL ACTION

Moved Cr Meharry, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.3.2 NARROGIN REGIONAL CHILD CARE SERVICES INC

Submission to:	Ordinary Meeting of Council
Location/Address:	Cnr William Kennedy Way & Park Street, Narrogin
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Child Care Services Act 2007
Council Policy:	Nil
Budget Implications:	Possible 2008/09 depending upon Council deliberation
File Reference:	Community Services 4
Voting Requirements:	Simple majority

Background

Correspondence advising of intended capital works program for the Narrogin Regional Child Care Services building in Narrogin, and seeking contribution from Council towards the project, either by cash, in-kind works and services, or other type of contribution.

The estimated cost of the project is \$438,533.33 (upper limit).

Comment

The Narrogin Regional Child Care Services in Narrogin is certainly a valuable and much needed facility within the district/region and one which would no doubt be utilised by residents of this district. Therefore it is a project that Council could give due consideration.

Ordinary Council Meeting Minutes 19 June 2008

The proposed capital works include:

ITEM	OBJECTIVE
Extension to playroom 3	<i>Increasing floor area, enabling increased numbers of children to be accommodated</i>
Two new additional toilets servicing playroom 3	<i>Providing ablution facilities in closer proximity to playroom 3 area; modernising and providing more convenient and accessible facilities</i>
Additional toilet to existing (2) toilets servicing playroom 2	<i>Increasing ratio of facilities per child, enabling increase in number of children to be accommodated</i>
Reconfiguration of service layout to the existing laundry	<i>Current travel path into playroom 2 is via the existing laundry, this travel path will be removed; increasing number of plumbing services to the laundry</i>
Addition of playroom	<i>Increasing floor area, enabling increased numbers of children, increasing flexibility in care and activities of children</i>
Additional cot room	<i>Doubling the number of cot rooms; increasing numbers of 0-2 years children; enabling increased flexibility and improved conditions for children and staff</i>
New outdoor play area for babies	<i>Providing separate area of 0-2 years children; affording "safer" play time; greater flexibility to staff and easier supervision of age group, more specific outdoor activities for age group</i>
Realignment of fencing onto northern boundary	<i>Creating greater functional area, especially for outdoor activities</i>

Full details of the project are included in the Council Meeting Agenda.

The Chief Executive Officer has spoken to the author of the letter, Mrs Sara Ballard, and indicated that Council may not be in favour of making a cash contribution for a capital works project that is not within its own district, however could support providing in kind works such as provision of sand and gravel to help develop building pad for extension works. Mrs Ballard was in agreement to this and is contacting the architect to ascertain the quantity and type of materials required for this purpose. If Council does support this type of contribution a dollar value could be included to provide an upper limit for the works.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing makes an in kind contribution, in the form of provision of sand and gravel for building pad extension works, towards the proposed Capital Works Program for the Narrogin Regional Child Care Services building located on the corner of William Kennedy Way and Park Street, Narrogin. Maximum value of in kind works not to exceed \$1,500.00.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.3.3 MS SAMANTHA DODS, ADRENALIN 4 X 4 INC – APPLICATION TO CONDUCT 4WHEEL DRIVE EVENT

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 3536 Bunmulling Road, Popanyinning
Reporting Officer:	Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Health Act 1911 Health (Public Buildings) Regulations 1992 Health (Food Hygiene) Regulations 1993 Caravan Parks and Camping Grounds Regulations 1997
Council Policy:	Shire of Cuballing Health Local Law 2007 Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 4
Voting Requirements:	Simple majority

Background

The Adrenalin 4x4 Inc Club have made an application to hold a 4 Wheel Drive (4WD) event at Lot 3536 Bunmulling Road, Popanyinning, over a two-day period on the weekend of 6 & 7 September 2008.

This is the second time that the 4Wheel Drive Club have conducted event, the first was in 2007.

Comment

Council is requested to grant approval for the event under the provisions of the Health Act 1911 relating to public buildings.

Lot 3536 is zoned General Agriculture under Town Planning Scheme No 2 and comprises 68 hectares in area.

Vehicles used in the events will be either towed to the property or driven. Licensed 4WD vehicles will be modified at the property for the off road events.

Ordinary Council Meeting Minutes 19 June 2008

Plans are required to show the location of the course/s and pit area, and of the camping and toilet areas.

The organizers of the event are expecting about 500 people to attend.

Various local businesses will be approached to sell food and drinks and no alcohol will be for sale at the event.

The gathering of persons for public events is controlled under the Health Act 1911 and more specifically under the Health (Public Buildings) Regulations 1992. The definition of a "Public Building" under the Act includes "a building or place or part of a building or place where persons may assemble". This includes amongst other uses; social, entertainment, recreational or sporting purposes.

Council may grant approval for public events under Section 177 of the Act and set conditions and the time for which approvals are valid.

The Health (Public Buildings) Regulations 1992 and the Health (Food Hygiene) Regulations 1993 set the statutory requirements for ensuring that public safety at events is provided. This includes safe food handling, adequate toilet facilities and a risk management plan etc. These are administered by Council's Environmental Health Officer.

The Caravan Parks and Camping Grounds Regulations 1997 set the statutory requirements for camping on the property.

As in 2007, the property owner, Mr G Raffaele, will be requested to provide a letter to Council supporting the event.

The applicants have not at the time of writing this report provided copies of public liability insurances to cover this event. It is recommended that the event not be permitted to proceed if copies of all insurances are not provided to the Shire at least 7 days before the event.

The public safety, camping, food hygiene and noise legislation and any permits will be administered by Council's Environmental Health Officer in accordance with statutory requirements.

This event is supported subject to adherence with the legislative requirement being undertaken.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That approval be granted to the Adrenalin 4x4 Inc to hold a 4 Wheel Drive event at Lot 3536 Bunmulling Road, Popanyinning, subject to the following conditions:

- The event is restricted to the hours of 7.00am to 10 pm;
- Neighbouring property owners to given 7 days notice of the event;
- The event to be run in compliance with all legislative requirements stipulated to Adrenalin 4x4 Inc by Council's Environmental Health Officer;
- The event to be covered by comprehensive Public Liability Insurance to a minimum value of 10 million dollars and naming the Shire of Cuballing on the policy. The certificate of currency is to be sighted by the Shire at least 7 days prior to the event proceeding. In the event of not meeting this condition approval for the event is withdrawn;
- Plans to be submitted showing the location of the course/s and pit area, and of the camping and toilet areas; and
- Letter to be submitted from the property owner, Mr G Raffaele, supporting the event on his property.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.4 REPORTS – TOWN PLANNING

8.4.1 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 136314

Cr Newman declares a proximity Interest in this item as he owns land adjoining Lot 16, however as the matter is for information only does not need to leave the Council Chamber.

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 16 Great Southern Highway, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Planning and Development Act 1995
Council Policy:	Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 12
Voting Requirements:	Simple majority

Background

Correspondence from the WAPC advising that the Commission has reconsidered the application and is prepared to endorse the planning application.

The application was submitted to the WAPC by Land Use Planners Gray & Lewis on behalf of property owner W Breytenbach.

The application was originally presented to the December 2007 Ordinary Meeting of Council, at the meeting Council resolved to support the application but the WAPC initially decided that it be refused.

Comment

In approving the application the WAPC has imposed the following conditions:

- *The applicant/owner entering into an agreement with the local government to ensure reciprocal rights of access over the existing driveway denoted on the plan dated 30 November 2007.*
- *Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision.*
- *The provision of easements for existing or future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body.*

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted.

COUNCIL ACTION

Resolved that the correspondence be received and information noted

9. OTHER BUSINESS

Nil

10. MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 4:38pm.